

ENTERED

July 22, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

BILLY JOE PHILLIPS

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§

§

VS.

§ CIVIL ACTION NO. 7:18-CV-233

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LORIE DAVIS, Director, Texas
Department of Criminal Justice,
Correctional Institutions Division

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the Magistrate Judge's Report and Recommendation regarding Petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus. After having reviewed the said Report and Recommendation, and no objections having been filed by either party, the Court is of the opinion that the conclusions in said Report and Recommendation should be adopted by this Court.

It is, therefore, **ORDERED, ADJUDGED, and DECREED** that the conclusions in United States Magistrate Judge J. Scott Hacker's Report and Recommendation entered as Docket Entry No. 9 are hereby adopted by this Court.

FURTHER, the Court, having adopted the Magistrate Judge's conclusions, is of the opinion that Respondent's motion for summary judgment should be **GRANTED**, the § 2254 petition should be **DENIED**, and this civil action should be **DISMISSED** without prejudice as moot. A Certificate of Appealability is **DENIED**.

The Clerk shall send a copy of this Order to the parties.

SO ORDERED this 22nd day of July, 2019, at McAllen, Texas.



Randy Crane
United States District Judge